

**REMARKS**

Applicants acknowledge receipt of the Office Action mailed May 19, 2006.

In the Office Action, the Examiner did not consider the claimed priority; objected to claims 2, 5, 8, and 9; rejected claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by *Nantz et al.* (U.S. Patent No. 6,563,474); and rejected claims 1, 5, and 7 under 35 U.S.C. § 102(e) as being anticipated by *Yagi et al.* (U.S. Patent No. 7,042,411).

In this Amendment, Applicants amend the specification and claims 5, 8, and 9, to correct informalities and improve form, cancel claims 1-4, 6, and 7, without prejudice or disclaimer, and add new claims 10 and 11. Upon entry of this Amendment, claims 5 and 8-11 will be pending. Of these claims, claim 5 is independent.

The originally-filed specification, claims, abstract, and drawings fully support the amendments to the specification and claims 5, 8, and 9, and the addition of new claims 10 and 11. No new matter has been introduced.

Based on the foregoing amendments and the arguments that follow, Applicants traverse the objections and rejections above and respectfully request reconsideration for at least the reasons set forth below.

**I. PRIORITY**

The Examiner alleged “[t]he claimed priority...based on the international applications fail[s] to comply with PCT article 22(1) because the non-provisional application is filed after 30 months from the priority date. Therefore, the priority date 03-05-2002 for the instant application has not been considered.” (*Office Action*, p. 2, paragraph 2). Applicants submit that the Examiner has incorrectly applied PCT Article

22(1) and incorrectly denied Applicants' entitlement to the priority date of March 5, 2002, of their Japanese Application No. 2002-58835.

On June 22, 2006, Applicants' representative called the Examiner to discuss the filing date and priority date of the present application. Applicants' representative explained to the Examiner that according to PCT Article 22(1), the applicant is only required to "[f]urnish a copy of the international application...and a translation thereof, and pay the national fee (if any), to each designated Office not later than at the expiration of 30 months from the priority date." The present application claims the benefit of priority to Japanese Application No. 2002-58835, filed March 5, 2002. In accordance with PCT Article 22(1), Applicants filed the present application on September 3, 2004 (within 30 months from the priority date of March 5, 2002) and paid the requisite fees. The Examiner agreed with Applicants' representative that he had misinterpreted PCT Article 22(1) and that Applicants have fulfilled the requirements thereof. Applicants therefore request that the Examiner consider the claimed benefit of priority to Japanese Application No. 2002-58835, filed March 5, 2002.

## **II. CLAIM OBJECTIONS**

Applicants submit that the objection to claim 2 has been rendered moot by the cancellation of that claim. Further, the Examiner's objection to claims 5, 8, and 9 has been overcome by the amendments to claims 5, 8, and 9. Applicants therefore request that the objection to claims 2, 5, 8, and 9 be withdrawn.

## **III. 35 U.S.C. § 102 REJECTIONS**

Claims 1-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Nantz*. Applicants respectfully disagree with the Examiner's arguments and conclusions

and submit that independent claim 5 patentably distinguishes over *Nantz* at least for the reasons described below. Applicants further submit that the rejection of claims 1-4 and 6 has been rendered moot by the cancellation of those claims.

In order to properly establish that *Nantz* anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of the claims in issue must be found, "either expressly or inherently described, in a single prior art reference." "The identical invention must be shown in as complete detail as is contained in the . . . claim.

*Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." See M.P.E.P. § 2131, 8th ed., 2001.

*Nantz* appears to teach a remote access device including a first coil (10') oriented about an X axis, a second coil (20') oriented about a Y axis, and a third coil (30') oriented about a Z axis. (*Nantz*, col. 4, ll. 61-63 and FIG. 4). Each of the coils (10', 20', and 30') is wound on a single form (40). (*Id.* at col. 5, ll. 21-22).

*Nantz*, however, does not teach that form 40 includes a tab having a quarter-circle, fan-shaped configuration on each corner of the form 40, as would be required to anticipate Applicants' claim 5. In addition, *Nantz* fails to teach each tab including at least a first, second, and third wall, each of which forms a lateral wall of a first, second, and third groove, respectively, as would also be required to anticipate Applicants' claim 5. As illustrated in FIG. 4 of *Nantz*, four of the tabs in the form 40 do not appear to form a lateral wall of a groove around which the second coil 20' is wound. It appears the second coil 20' is wound over and on top of four of the tabs.

Accordingly, with respect to independent claim 5, *Nantz* fails to teach Applicants' claimed antenna coil, including, *inter alia*:

"wherein each tab has a quarter-circle, fan-shaped configuration and includes at least a first, second, and third wall, each of which forms a lateral wall of...first, second, and third grooves, respectively" (emphases added).

Since *Nantz* fails to disclose each and every element of independent claim 5, *Nantz* fails to anticipate claim 5. Applicants therefore request that the rejection of claims 1-6 under 35 U.S.C. § 102(b) be withdrawn.

Applicants note claims 8 and 9 depend from claim 5 and are allowable at least for the same reasons claim 5 is allowable.

Applicants respectfully traverse the Examiner's rejection of claims 1, 5, and 7 under 35 U.S.C. § 102(e) as being unpatentable over *Yagi*. Applicants respectfully submit that *Yagi* does not qualify as prior art under 35 U.S.C. § 102(e).

*Yagi* was filed in the U.S. on October 12, 2004. Applicants' present application was afforded a U.S. filing date of August 5, 2005, and is a 35 U.S.C. § 371 national stage application of a PCT application that was filed on August 2, 2002. As a 35 U.S.C. § 371 national stage application, the effective filing date of the present application is its international filing date of August 2, 2002. Accordingly, the filing date of *Yagi*, October 12, 2004, does not qualify *Yagi* as prior art under 35 U.S.C. § 102(e) because that date is not before Applicants' effective filing date of August 2, 2002. Therefore, the rejection of claims 1, 5, and 7 under 35 U.S.C. § 102(e) should be withdrawn.

#### **IV. NEW CLAIMS**

New claims 10 and 11 depend from claim 5 and are allowable at least for the same reasons claim 5 is allowable.

#### **V. CONCLUSION**

Applicants respectfully submit that claims 5 and 8-11 are in condition for allowance.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

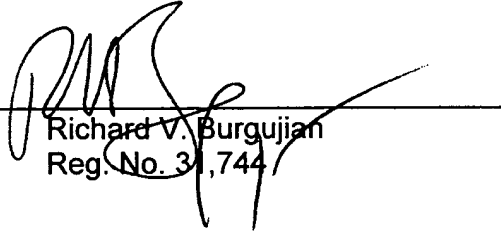
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 20, 2006

By:

  
Richard V. Burgujian  
Reg. No. 31,744